

1  
2  
3  
4  
5  
6  
7  
8  
9 UNITED STATES DISTRICT COURT  
10 SOUTHERN DISTRICT OF CALIFORNIA  
11

12 TEDDY LEROY WILSON, Jr., CDCR ) Case No. 06cv2420-WQH (BLM)  
13 #78443, )  
14 Plaintiff, ) **ORDER GRANTING SECOND MOTION**  
15 v. ) **REQUESTING EXTENSION OF TIME**  
16 ISMAEL BRIZYELA, et al., ) **TO RESPOND**  
17 Defendants. ) **[Doc. No. 34]**

---

18 On September 25, 2007, Plaintiff filed a second request seeking  
19 additional time to oppose Defendants' motion to dismiss. Doc. No. 34.  
20 The Court granted Plaintiff's first request on August 9, 2007. Doc. No.  
21 32.

22 Plaintiff submits that he cannot comply with the October 9, 2007  
23 deadline for filing an opposition because he remains unable to access a  
24 law library. Doc. No. 34. He presents evidence showing that the prison  
25 library has been closed for months and did not reopen until the day  
26 before he was released from custody. Id. The residential treatment  
27 facility at which he now resides does not have a library and he is not  
28 allowed to leave the facility. Id. Plaintiff submitted a letter from

1 the executive director of the facility, which confirms that Plaintiff  
2 entered the program on September 19, 2007, and will not be allowed to  
3 leave the facility for personal reasons (such as to go to a law library)  
4 for the first sixty days. Id.

5 In light of this request and the evidence presented, the Court  
6 finds good cause to **GRANT** Plaintiff's motion for an extension of time to  
7 oppose Defendants' motion to dismiss. Recognizing that for sixty days  
8 from September 19, 2007, Plaintiff will be unable obtain personal passes  
9 to access a law library (see Doc. No. 34 at 8), the Court hereby grants  
10 Plaintiff an extension to December 14, 2007 to file his opposition.  
11 Defendants shall file their reply, if any, on or before December 21,  
12 2007. The hearing date is hereby continued to January 3, 2008 at 9:00  
13 a.m. However, *unless the Court directs otherwise in advance, pursuant*  
14 *to Local Rule 7.1(d)(1), the matter will be resolved without oral*  
15 *argument and no personal appearances are required on* January 3, 2008 *at*  
16 9:00 a.m.

17 **IT IS SO ORDERED.**

18 DATED: October 3, 2007

19 

20 BARBARA L. MAJOR  
21 United States Magistrate Judge

22 COPY TO:

23 HONORABLE WILLIAM Q. HAYES  
24 U.S. DISTRICT JUDGE

25 ALL COUNSEL  
26  
27  
28